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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,302

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Nhut Nguyen

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EXAMINER

PHUNG, LUAT

ART UNIT

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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,302

Applicant(s)

NGUYEN ET AL.

Examiner

Luat Phung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The pending claims 1-24 are presented for examination.

Claims 1-24 are rejected.

Claim Objections

1. Claims 1-24 are objected to because of the following informalities.

Claim 1 recites the limitation "allocate an allocated [voice path]" in line 6. It is requested that applicant clarify how an already allocated voice path should be allocated again. The same problem exists in claims 9, 12 and 20.

Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Both claim 1 and claim 9 recite the same limitation, a "telecommunication system comprising a test controller".

Claims 2-8, 10-19 and 21-24 are objected to because they depend on an objected claim, namely claims 1, 9 and 20, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said telecommunication system" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "telecommunication device" in line 2, and the limitation "method of testing" in lines 3-4. Is it an apparatus claim or a method claim?

Claims 2-8 and 21-24 are rejected because they depend on a rejected claim, namely claims 1 and 20, respectively.

Inventorship

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 and 20-24 are rejected under U.S.C. 103(a) as being unpatentable over Zhang (SIP-based VoIP network and its interworking with the PSTN, Electronics & Communication Engineering Journal, Dec. 2002).

Regarding claim 1, Zhang discloses for use in a telecommunication network, an apparatus for testing a telecommunication device comprising switching fabric including a plurality of voice paths, the telecommunication system comprising:

a test controller (SIP server in Fig. 8) connected to receive a test call from an originating terminal (SIP client in Fig. 8), establish a call connection for the test call between the originating terminal and a destination terminal (call from Dan to Sherry on page 277, left column, lines 13-14).

Zhang discloses all of the subject matter except allocate an allocated one of the voice paths within the telecommunication device for the test call and establish a call connection via the allocated voice path and a packet-switched network to test the allocated voice path.

However in the SIP-PSTN call scenarios (page 279, right column, second paragraph, lines 3-4), Zhang teaches using the media gateway for media transcoding between the PSTN domain and IP domain (page 279, right column, second bullet paragraph), so that calls originating in the PSTN can reach IP phones and vice versa (page 280, right column, lines 2-4).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to allocate a voice path and connect to the packet-switched network to terminate to the destination terminal by configuring routing translations so that calls destined for the IP phone will be routed to the PSTN or looped back at the media gateway prior to being delivered through the packet-switched network. If the applicants as persons of expert skill in the art have questions about this test setup, examiner as someone of ordinary skill in the art would be glad to avail himself to discuss how the Samsung softswitch and media gateway can be provisioned to facilitate this test bed. The motivation for using the voice path at the media gateway would have been to test the allocated voice path.

Regarding claims 2-8, Zhang further discloses the following:

wherein the voice paths comprise time division multiplexed (TDM) switched circuits (PCM encoded voice per page 279, right column, second bullet paragraph), as recited in claim 2;

wherein the originating terminal and the destination terminal are Session Initiation Protocol (SIP) phones (page 275, lines 11-12), as recited in claim 3;

wherein the test controller is configured to receive a signaling message for the test call from the originating terminal, the signaling message being addressed to an Internet Protocol (IP) address of the test controller (Fig. 5, line INVITE F1), as recited in claim 4;

wherein the signaling message is an INVITE message (Fig. 5, line INVITE F1), as recited in claim 5;

wherein the test controller is configured to send a signaling message to an IP address of the destination terminal (Fig. 5, line INVITE F8), as recited in claim 6;

wherein the test controller is configured to send a signaling message to a device controller within the telecommunication device (SIP message to the media gateway controller per page 281, left column, second paragraph), the device controller allocating the allocated voice path (page 279, right column, second bullet paragraph), as recited in claim 7;

wherein the at least one allocated voice path provides a connection to a media gateway for converting between circuit-switched voice and packet-switched voice (page 279, right column, second bullet paragraph), as recited in claim 8.

Claims 9-10 have the same limitations of claims 1-2, and are therefore rejected under the same reason set forth in the rejection of claims 1-2.

Claim 11 is a substantial duplicate of claim 8, and is therefore rejected under the same reason set forth in the rejection of claim 8.

Regarding claim 12, Zhang further discloses the telecommunications system as set forth in claim 9, wherein the telecommunication device comprises:

switching fabric (media gateway and voice stream in Fig. 6) including a plurality of voice circuits for switching voice calls (page 279, right column, second bullet paragraph); and

a controller (media gateway controller in Fig. 6) operable to receive a signaling message (SIP in Figure 6) from the test controller to establish the call connection for the test call through the packet-switched network, the controller being further operable to allocate at least one allocated one of the voice circuits for the test call to test the at least one allocated voice circuit (page 279, right column, last paragraph to page 280, left column, first paragraph).

Claims 13-17 are substantial duplicates of claims 3-7, and are therefore rejected under the same reason set forth in the rejection of claims 3-7.

Regarding claim 18, Zhang further discloses wherein the telecommunication device is a switch (gateway per Fig. 6).

Claims 20, 21 and 22-24 are method claims corresponding to apparatus claims 1, 8 and 4-6, respectively, and are therefore rejected under the same reason set forth in the rejection of claims 1, 8 and 4-6, respectively.

6. Claims 19 is rejected under U.S.C. 103(a) as being unpatentable over Zhang (SIP-based VoIP network and its interworking with the PSTN, Electronics & Communication Engineering Journal, Dec. 2002) in view of Dorenbosch, et al (US Pub 2002/0114317).

Regarding claim 19, Zhang discloses all of the subject matter as recited in paragraph 5 of this office action except wherein the switch is a mobile switching center.

Dorenbosch from the same or similar fields of endeavor discloses system comprising an MSC (Fig. 3, element 302) communicating with a SIP peer/server (Fig. 3, element 206).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the MSC of Dorenbosch with the network of Zhang by replacing the media gateway controller with the MSC. The motivation for the combination would have been to support testing a voice path on a wireless system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents are cited to show system pertinent to applicant's invention.

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Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name
US-2002/0176404 A1	11-2002	Girard, Gregory D.
US-2004/0072593 A1	04-2004	Robbins et al.
US-2005/0213564 A1	09-2005	Nguyen et al.
US-7,016,348 B2	03-2006	Laursen et al.
US-7,161,932 B1	01-2007	Watts, Ronald Franklin

Dutta, A., et al, Implementing a Testbed for Mobile Multimedia, IEEE 2001,
pages 1944-1949

Williams, Steve, The softswitch advantage, IEE Review, July 2002

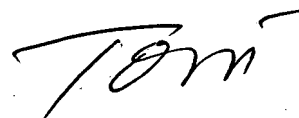
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luat Phung whose telephone number is 571-270-3126. The examiner can normally be reached on Monday to Friday, 7:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LP



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SUPERVISORY PATENT EXAMINER